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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,087	04/14/2006	Masaki Ishibashi	1163-0557PUS1	6716

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
NGUYEN, CHUONG P	
ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
07/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/576,087	ISHIBASHI ET AL.	
	Examiner	Art Unit	
	Chuong P. Nguyen	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) *5 and 6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species A1 in the reply filed on 04/15/2009 is acknowledged.

2. Claims 4-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/15/2009.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 09/13/2004. It is noted, however, that applicant has not filed a certified copy of the JP 2004-265352 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Daizen (JP 2003172624 which translation was done by the Examiner).

Regarding claim 1, Daizen discloses in Fig 1-2 a car navigation apparatus comprising: a map data acquiring means (i.e. map information retrieve unit 12 associating with drive device) for acquiring map data including road data, intersection information, and facility information ([-[0016]-[0017]); a route searching means (i.e. control device 1) for searching for a route to a destination based on the map data acquired by the map data acquiring means (Fig 3; [0018]+); an intersection searching means (i.e. intersection search unit 11 of control device 1) for searching

intersections in a vicinity of the current position from among intersections which exist on the route searched by the route searching means and which exists between the current position detected by the current position detecting means and the destination (Fig 3-10; [0016]-[0026]); an intersection name outputting means (i.e. output unit 14 of control device 1 in conjunction with display device 6) for outputting intersection names given to the intersections searched by the intersection searching means (Fig 3, 9-10; [0016]-[0026]); an intersection selecting means (i.e. control device 1 in conjunction with display device 6 and touch panel device 7) for selecting an intersection by specifying an intersection name outputted by the intersection name outputting means (Fig 3, 9-10; [0017]+; [0021]+); a facility searching means (i.e. control device 1 in conjunction with display device 6 and touch panel device 7) for searching for facilities which exist in a vicinity of the intersection selected by the intersection selecting means through the map data acquired by the map data acquiring means (Fig 3-10; [0016]-[0026]); a facility name outputting means (i.e. output unit 14 of control device 1 in conjunction with display device 6) for outputting facility names given to the facilities searched by the facility searching means (Fig 3, 9-10; [0016]-[0026]); a facility selecting means (i.e. control device 1 in conjunction with display device 6 and touch panel device 7) for selecting a facility by specifying a facility name outputted by the facility name outputting means (Fig 3-5; [0016]-[0026]); and a facility information outputting means (i.e. control device 1 in conjunction with display device 6) for extracting facility information about the facility selected by the facility selecting means from the map data acquired by the map data acquiring means, and for outputting the facility information (Fig 3-10; [0017]-[0026]). Also, Daizen inherently discloses a current position detecting means for detecting a current position of a car (Fig 10; [0017]+; [0022]+).

In the event that Daizen does not disclose the inherency, it is well known in the art of car navigation system to include a GPS receiver or a self-contained navigation sensor as a current position detecting means for detecting a current position of a car (i.e. support for the well known can be found in the IDS reference - US 6,859,724). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such GPS receiver or a self-contained navigation sensor in the navigation system of Daizen for detecting a current position of a car since it is well known in the art of navigation system.

Regarding claim 2, Daizen discloses in Fig 1-2 a facility searching condition setting means (i.e. control device 1 in conjunction with display device 6 and touch panel device 7) for setting facility searching conditions for specifying facilities which are a target to be searched, and the facility searching means searches for facilities which exist in a vicinity of the intersection selected by the intersection selecting means from the map data acquired by the map data acquiring means according to the facility searching conditions set by the facility searching condition setting means (Fig 3-10; [0016]-[0026]).

Regarding claim 3, Daizen discloses in Fig 3, 9-10 the facility searching conditions set by the searching condition setting means include a distance from the intersection selected by the intersection selecting means ([0022]+).

Regarding claim 6, Daizen discloses in Fig 1-2 the intersection selecting means and the facility selecting means are provided with a key, a remote controller, a touch panel, or a voice recognition means for specifying an intersection name outputted by the facility name outputting means and a facility name outputted by the facility name outputting means ([0016]-[0017]).

Regarding claim 7, Daizen discloses in Fig 1-2 an intersection searching condition setting means (i.e. control device 1 in conjunction with display device 6 and touch panel device 7) for setting intersection search conditions for specifying intersections which are a target to be searched, and the intersection searching means searches for intersections in a vicinity of the current position through intersections which exists on the route searched by the route searching means and which exists between the current position detected by the current position detecting and the destination according to the intersection searching conditions set by the intersection searching condition setting means (Fig 3, 6-8; [0017]; [0019]-[0026]).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daizen as applied to claim 1 above, and further in view of Komatsu (IDS reference – US 6,859,724).

Regarding claim 8, Daizen does not explicitly disclose the apparatus includes an angle sensor for detecting a traveling direction of the car, and an expected-route-to-be-followed determining means for determining an expected route to be followed based on the traveling direction detected by the angle sensor and the map data acquired by the map data acquiring means, and the intersection searching means searches for intersections in a vicinity of the current position through intersections which exist on the expected route to be followed determined by the expected-route-to-be-followed determining means when no route is searched for by the route searching means. Komatsu teaches in the same field of endeavor in Fig 1, 3-6 an angle sensor (angle sensor 6a) for detecting a traveling direction of the car, and an expected-route-to-be-followed determining means (i.e. controller 17) for determining an expected route to be followed based on the traveling direction detected by the angle sensor and the map data acquired by the map data acquiring means (i.e. DVD-ROM 1 in conjunction with navigation device 10), and the

intersection searching means (i.e. controller 17) searches for intersections in a vicinity of the current position through intersections which exist on the expected route to be followed determined by the expected-route-to-be-followed determining means when no route is searched for by the route searching means (col 3, lines 53-67; col 4, lines 20-25; col 4, line 44 - col 5, line 30; col 5, line 34 - col 7, line 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such angle sensor, expected-route-to-be-followed determining means, and intersection searching means as taught by Komatsu in the system of Daizen because it does no more than yield predictable results of determining the direction and intersection while traveling since it has been held that the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results (MPEP 2143).

9. As to limitations which are considered to be inherent in a reference, note the case law of In re Ludtke, 169 U.S.P.Q. 563; In re Swinehart, 169 U.S.P.Q. 226; In re Fitzgerald, 205 U.S.P.Q. 594; In re Best et al, 195 U.S.P.Q. 430; and In re Brown, 173 U.S.P.Q. 685, 688.

10. While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Conclusion

11. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong P. Nguyen whose telephone number is 571-272-3445. The examiner can normally be reached on M-F, 8:00 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CN

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663